

**PLANNING COMMITTEE 26 June 2012**  
**LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:**

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**Stanton Under Bardon planning applications - Summary Report and Recommendations**

**Amend report has follows:-**

Within the table on page 5, the box ' Within the Settlement Boundary or in the Countryside' for application 11/00988/OUT the text needs changing to: - 'Part inside, part outside'

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**ITEM 01**

**11/00582/FUL**

**Mr John Deakin**

**Consultations:-**

One letter has been received to state that there is an ongoing dispute over the correct definition and ownership of the southern boundary to the site and therefore access to the pond for an ecology survey will be withheld until a satisfactory response is made by the applicant to the boundary issue.

**Appraisal:-**

Affordable Housing

The latest housing register for Stanton Under Bardon as of 25 June 2012 states that 115 applicants were seeking a 1 bedroomed property; 92 applicants were seeking 2 bedroomed properties; 49 applicants were seeking 3 bedroomed properties and 13 applications were seeking 4 or more bedroomed properties. The application site seeks to provide four 2 bedroomed properties and four 3 bedroomed properties and therefore meets the needs identified for Stanton under Bardon.

Other Matters

In response to the letter of representation received land ownership is not a material planning consideration and the ecology issues have been addressed in the main report at pages 25 and 26.

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**ITEM 02**

**11/00988/OUT**

**Mr Nigel Hainsworth**

**Introduction:-**

The site entrance and a small parcel of land to its north east (which currently forms part of the curtilage of 169 Main Street) is within the settlement Boundary of Stanton Under Bardon, the remainder of the site is within the open countryside.

**Appraisal:-**

Affordable Housing

The latest housing register for Stanton Under Bardon as of 25 June 2012 states that 115 applicants were seeking a 1 bedroomed property; 92 applicants were seeking 2 bedroomed properties; 49 applicants were seeking 3 bedroomed properties and 13 applications were seeking 4 or more bedroomed properties.

Affordable Housing Provision

The scheme will provide 4 social rent units and 3 intermediate rental units.

## Play and Open Space

It was identified at the committee site visit that the equipped play space at Stanton Under Bardon Primary School had recently been improved and therefore the legitimacy for the Play and Open space contribution request needs justifying. Since the Green Space Strategy Audits of Provision 2007 Update has been conducted there has been significant investment in the form of new play equipment and a MUGA on the site. Accordingly the overall quality score for the site has increased. This must be taken into consideration when considering whether or not there is a CIL compliant case for the request of a contribution for this site. In these circumstances, although the quality of the space has been increased, the request for a contribution remains justified, due to the additional pressure that will be placed on the facility by the new population.

### **Recommendation:-**

### **Additional condition:-**

- 9 No development shall commence until details of the route and construction of footpath R24, including its surfacing, width, borders, and any form of enclosure is submitted to and agreed in writing by the Local Planning Authority. The details shall then be implemented as approved and retained thereafter.

Reason: In the interests of sustainable development and to ensure that the public footpath is fit for use in accordance with paragraph 35 of the NPPF.

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## **ITEM 03**

**12/00166/FUL**

**Mr Frank Downes**

### **Introduction:-**

The applicant has provided additional information to state that they protest in the strongest possible terms about the mis-use/mis-representation of the photographic evidence which has been provided to Councillors. The applicant believes that the photographic evidence is neither correctly sited or to scale, and should not have been given to Councillors to aid their judgement. The applicant states that Councillors are only supposed to take into account information provided to them by the planning officer and information forming part of the submitted planning application and that it is an affront to the whole planning system if decisions are being made on un-related items.

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## **ITEM 05**

**12/00219/OUT**

**Trustees Of The Powers Estate**

### **Consultations:-**

Comments have been received from Severn Trent Water to advise that they are required to meet a water quality objective set by the Environment Agency relating to the discharge from Earl Shilton sewage treatment works. Consequently it is necessary to divert flows from Barwell that are currently pumped to Earl Shilton, to Hinckley where there is spare capacity as a result of the closure of the Sketchley laundry works. To achieve this they are intending to install a pipeline from Barwell Pumping Station to Hinckley Sewage Treatment Works and the route of this pipeline runs through the application site. Whilst they do not object to the planning application they wish to place on record the fact that this pipeline scheme needs to be considered as part of the determination of this planning application and this application has the potential to prejudice the implementation of their pipeline scheme.

### **Appraisal:-**

The application site forms part of the Barwell Sustainable Urban Extension Masterplan which will inform the Area Action Plan. Severn Trent Water have indicated that the route to the new pipeline to serve the proposed SUE will run through this application site. They have indicated that approval of this application may potentially prejudice the implementation of their pipeline scheme and ultimately the SUE, however they do not raise an objection and as such it would not warrant refusal of this application.

**Introduction:-**

The applicant has provided an additional statement relating to highway comments:-

- a) the footway at its narrowest point is 1 metre in width and therefore the pedestrian crossing facility has been provided for users requiring greater width, such as an adult with one child
- b) the proposed footway and pedestrian crossing facility would be suitable as a safe walking route to school
- c) whilst the bridge does reduce to 1 metre over a short distance it widens to 2 metres at either end of the bridge providing adequate room to pass for all users, including pushchairs and wheelchairs
- d) the comments regarding the DfT's Guidelines for Inclusive Mobility regarding minimum widths are not relevant as the pedestrian crossing facility is provided for users who require greater widths
- e) sufficient traffic signals and audible signals will be provided for pedestrians to indicate the pedestrian phase is active
- f) the carriageway width is reduced as part of the proposals therefore physically preventing vehicles attempting to overtake cyclists, therefore improving safety. Separate intergreens for cyclists are not required and advanced cycle stop lines cannot be provided as there is not sufficient carriageway width for cyclists to approach them when cars are queued at the stop line
- g) the connections to the canal towpath are provided for access from the proposed footway on the western side of the carriageway to negate the need for pedestrians to cross Nutts Lane. They are not provided or required as part of a safe route to school and the 'potential' pedestrian link to Waterside Park is also not required as a safe route to school
- h) with regard to capacity at the Nutts Lane/Coventry Road junction, when PICADY approaches capacity, as in the case in this situation, the results can become distorted. The capacity results cannot therefore be relied on and therefore need to be treated with caution. As such nine extra vehicles would not double the existing queues and delays on Nutts Lane
- i) increases in traffic during the AM peak hour have negligible impact as the junctions are shown to operate within capacity
- j) it should also be noted that since the Appeal for the Greyhound Stadium development was heard, traffic flows at the Nutts Lane/Coventry Road junction have reduced significantly more than the proposed development would add, as verified by traffic counts undertaken in 2008 and 2011
- k) the provision of road studs across the bridge to assist pedestrians was not required and therefore have been removed and it is not possible to provide tactile paving in this location to direct visually impaired pedestrians therefore it is no longer proposed
- l) the number of unaccompanied visually impaired people wishing to use the footway is expected to be low and the overall benefits of the proposed facilities are therefore considered to far outweigh this issue
- m) the reference to pedestrians not using the pedestrian phase has been misunderstood as it is anticipated that most pedestrians will use the footway, as at present, and not require the pedestrian crossing facility which will therefore not result in collisions
- n) Taylor Wimpey have confirmed that subject to a resolution to grant planning permission at Planning Committee, and receipt of the decision notice that they would withdraw their current appeal (ref: APP/K2420/A/12/2174133/NWF) on the previously refused application.

**Consultations:-**

National Grid has no objections subject to notes to applicant.

Two additional letters have been received.

One of the letters states that there are still many reservations with the pedestrian safety but on the understanding that having a permanent footpath over the bridge, as now proposed, it is considered that this is the best solution proposed so far and with the other safeguards in place the hope is that pedestrian safety will be secured.

One of the letters states the following:-

- a) commends Taylor Wimpey and their representatives for their efforts in trying to resolve the issue and address concerns over pedestrian safety over the canal bridge
- b) proposals to remove the non existent footway and proposal to create a new one meter wide footpath from the proposed site is a great idea
- c) despite the improvements the one meter wide footpath will not allow a mother with a buggy and child alongside to all walk on the footpath
- d) Leicestershire Highway Authority insists that Nutts Lane is an essential route if the A5 is closed and is contrary to the Official Diversionary Route
- e) Leicestershire Highway Authority will not concede that heavy good vehicles currently have very limited width room over the canal bridge
- f) drivers of all vehicles use it as a convenient route to avoid the junction of Coventry Road and Dodwells roundabout
- g) the most sensible safety steps is that there is an official width restriction which would mean that only transit size vehicles and cars are permitted to use the route
- h) Members should put their views to Leicestershire Highway Authority regarding restricting the width of traffic that use the Nutts Lane as a short cut in both directions and the highway authority cannot hide behind the essential route of the rail bridge on the A5 in respect of HGVs trailers striking the bridge.

**Appraisal:-**

Highway Considerations

The comments raised within both letters have already been addressed within the main report.

**Recommendation:-**

**Additional Note to Applicant:-**

- 22 Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'.

This guidance can be downloaded free of charge at <http://www.hse.gov.uk>. In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

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**ITEM 07**

**12/00335/FUL**

**Mr Robert Sparks**

**Consultations:-**

No objection has been received from the Head of Community Services (Pollution).

No objection subject to conditions has been received from the Director of Environment and Transport (Highways).

Peckleton Parish Council have no objection to the proposed development but raise concerns in respect of delivery lorries being parked outside the site and suggest that additional commercial vehicle/lorry parking is provided within the site to avoid negative impacts on the surrounding area.

Site notice posted and neighbours notified, one letter received objecting to the application on the grounds that inadequate lorry parking within the site/the timed delivery system operated results in lorries

being parked on The Common which has a negative impact on residents due to unacceptable behaviour from the drivers.

**Appraisal:-**

The Director of Environment and Transport (Highways) does not object to the application but considers that whilst progress is being made with regards to reducing the number of car borne trips to and from the site, the Green Commuter Plan submitted in support of the application is not sufficiently robust. A condition is therefore recommended requiring the submission of a revised Green Commuter Plan in consultation with the Highway Authority to resolve identified areas of weakness.

Peckleton Parish Council and the neighbour objection letter received raise issues in relation to a lack of parking for visiting commercial vehicles and the timed delivery system operated within the site leading to the parking of lorries outside the site. These are not material planning issues that are directly related to this proposed development.

**Recommendation:-**

Additional condition in respect of revisions to the Green Commuter Plan.

- 8 Notwithstanding the submitted details, no development shall commence until details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy for the site as a whole has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site in the interests of the sustainability of the site to accord with the national Planning Policy Framework and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

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**ITEM 08**

**12/00399/FUL**

**Mr John Duffield**

This item has been withdrawn.

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**ITEM 09**

**12/00229/FUL**

**Mr Andrew Churchill**

**Introduction:-**

An amended plan has been received to reduce the new internal access road from 4 metres to 3 metres in width.

**Consultations:-**

Press notice and site notice posted, neighbours notified, one letter received from an adjoining landowner raising the following issues:-

- a) access rights for Severn Trent Water Ltd to old sewage pumping station
- b) width of proposed building in relation to the site and access road
- c) proximity of building to western boundary, 1.2 metres gap insufficient
- d) use of unit, hours of use and potential noise pollution
- e) inadequate access and parking provision to accommodate expansion
- f) suggestions for access improvements

## **Appraisal:-**

### Design and Layout

The amended plan includes the reduction in width of the new internal access road adjacent to the eastern elevation of the proposed building from 4 metres to 3 metres to incorporate a 1 metre wide landscaping strip. This internal access road will provide access to the rear of the proposed building and for Severn Trent Water Limited to access the old sewage pumping station. The 1.2 metre separation distance from the proposed building to the western boundary of the site is considered to be sufficient to allow servicing of the building and will not cause any material adverse impact on the uses of the adjacent land.

### Parking and Highway Safety

The current access arrangements and proposed car parking arrangements are considered to be adequate to serve the proposed development and existing site and therefore access improvements suggested by an adjoining landowner are not necessary to make the proposed development acceptable.

## **Recommendation:-**

Amend conditions 2 and 6 in respect of the amended plan drawing numbers.

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**ITEM 10**

**12/00402/FUL**

**Mr J Penman**

## **Introduction:-**

An updated sequential test has been submitted by the agent.

A further request has been made to the agent to amend the design of the eastern elevation of the proposal.

## **Consultations:-**

No objections have been received from:-  
Severn Trent Water Ltd  
Head of Community Services (Pollution)  
Ashby Canal Association

One further letter of neighbour support has been received.

## **Appraisal:-**

The updated sequential test includes additional detail in respect of the potential alternative sites, both within and on the edge of the town centre. The evidence base used included the Draft Site Allocations DPD (Feb 2009), the Hinckley Town Centre Area Action Plan (Mar 2011) and an internet property search within a 1 mile radius of Hinckley town centre. The assessment criteria included the sites availability, its suitability to accommodate the proposal and viability. An overview of each site is provided, along with its constraints and justification as to why each was discounted/found unsuitable.

The statement concludes that of the 101 sites identified, only HIN34 (Tungsten Park) has proved suitable. This is because it is a vacant site with no remediation issues, size constraints or availability issues related to land prices or policy restrictions. When considering the preferred option list the site is the only one that is developable and deliverable within the timeframe imposed on the Squash Club due to the requirement of it to vacate the existing premises that are subject to CPO powers.

Based on the updated sequential test, it has been demonstrated to the satisfaction of the Local Planning Authority that there are no other suitable/available sites either within the town centre or edge of centre locations to accommodate the proposed development. Accordingly based upon this, the siting of the

development is considered to be acceptable in principle; the site is accessible and well connected to the Town Centre and is therefore compliant with the intentions of paragraph 24 of the NPPF.

### Design

Due to viability issues the agent has confirmed that the design of the proposal will not be able to be amended. The development is working to a very tight budget and the incorporation of additional glazing and/or brickwork would not be affordable. On balance, the existing design of the eastern elevation is not considered to justify refusal of the scheme.

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### ITEM 11

12/00451/DEEM

Hinckley & Bosworth Borough  
Council

### Consultations:-

No objection has been received from the Borough Council's Arboricultural Consultant who advises that the acoustic fence is shown to be positioned outside the tree canopies with posts at 2.4m intervals. This will not be detrimental to tree health. An access gate is also to be installed to facilitate future management.

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**PLANNING COMMITTEE**  
**26 JUNE 2012**  
**SPEAKERS**

<b>Item</b>	<b>Application</b>	<b>Speaker(s)</b>	<b>Applicant/objector</b>
01	11/00582/FUL	John Deakin	Applicant
02	11/00988/OUT	Gary Lees / Nigel Hainsworth?	Agent
03	12/00166/FUL	Mr Reid	Objector
06	12/00341/FUL	Mr Eaves / Mr Parsons Mr Sitch	Objectors Agent
07	12/00335/FUL	Mr Dyson	Objector
10	12/00402/FUL	Mr Smart Mr Penman	Objector Applicant